

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

SEPTEMBER 27, 1999

IN RE:)	
)	
PETITION OF TIME WARNER TELECOM FOR)	DOCKET NO. 99-00292
APPROVAL OF AN INTRALATA TOLL)	
DIALING PARITY PLAN)	

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on June 22, 1999, at a regularly scheduled Authority Conference, to consider the Petition of Time Warner Telecom ("Time Warner") for approval of its IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

FILE

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

Time Warner is a telecommunications company operating under Tenn. Code Ann. § 65-4-201 as a competing local exchange carrier that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, Time Warner is required to file a plan with the Authority that provides for implementing intraLATA toll dialing parity in the exchanges where

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

Time Warner provides service in Tennessee.⁴ This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

Time Warner filed its IntraLATA Toll Dialing Parity Implementation Plan on April 22, 1999. The Plan, which was amended on June 15, 1999, contains Time Warner's Petition for Approval and is attached hereto as Exhibit A which is fully incorporated herein by this reference.

The Directors considered Time Warner's Plan at the June 22, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method which allows customers to choose different carriers for interLATA and intraLATA service; and customer notification/education procedures. The Directors unanimously voted to approve Time Warner's Toll Dialing Parity Plan as amended, with the requirement that Time Warner comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

IT IS THEREFORE ORDERED THAT:

1. The amended Plan of Time Warner Telecom for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved and is incorporated in this Order as if fully rewritten herein;

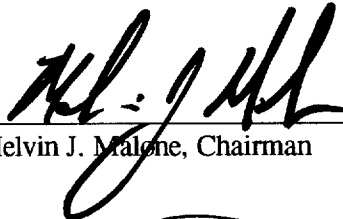
⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

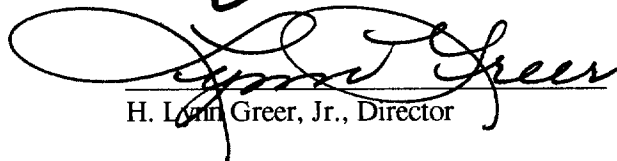
⁵ Pre-subscription allows the customer to place a call without dialing an access code.

⁶ FCC Order 96-333 released August 8, 1996 sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999 extends to June 22, 1999, the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

2. Time Warner Telecom shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and

3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.

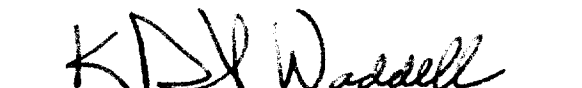


Melvin J. Malone, Chairman

H. Lynn Greer, Jr., Director

Sara Kyle, Director

ATTEST:



K. David Waddell, Executive Secretary

**FARRIS
MATHEWS
BRANAN
& HELLEN**

PLC

Attorneys at Law

Suite 2400
511 Union Street
Nashville, TN 37219
Phone 615 726-1200
Fax 615 726-1776

Attorneys

William W. Farris
Harlan Mathews
Homer Boyd Branan, III
Tim Wade Hellen
Edwin Dean White, III
Charles B. Welch, Jr.
G. Ray Bratton
John Michael Farris
O. Douglas Shipman
D. Edward Harvey
Rebecca Pearson Tuttle
Eugene Stone Forrester, Jr.
Dedrick Brittenum, Jr.
Barry F. White
Robert F. Miller
Robert A. McLean
Anita I. Lotz
Gregory W. O'Neal
Steven C. Brammer
Harold W. Fonville, II
Fred D. (Tony) Thompson, Jr.
Richard D. Click
Jeffrey M. Clark
Pamela Haddock Klavon

Of Counsel

Henry H. Hancock

MEMPHIS DOWNTOWN

Suite 2000
One Commerce Square
Memphis, TN 38103
Phone 901 259-7100
Fax 901 259-7150

MEMPHIS EAST

Suite 400
5384 Poplar Avenue
Memphis, TN 38119
Phone 901 763-4000
Fax 901 763-4095

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REGULATORY AUTH.

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OFFICE OF THE
EXECUTIVE SECRETARY

June 15, 1999

K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

HAND DELIVERY

RE: Time Warner IntraLATA Toll Dialing Parity Implementation Plan
TRA Docket No. 99-00292

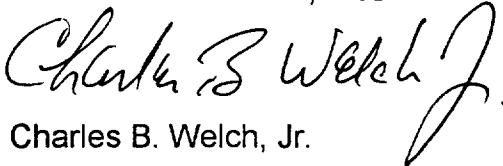
Dear Mr. Waddell:

Enclosed for filing, please find the original plus thirteen (13) copies of Time Warner Telecom of the Mid-South, L.P.'s Amended IntraLATA Toll Dialing Parity Plan which has been amended since the filing of the original to correct an inadvertent error in Section III, Carrier Selection Procedures, Paragraph 3, Line 7.

If you have any questions or concerns with regard to this filing, please do not hesitate to contact me.

Very truly yours,

FARRIS, MATHEWS,
BRANAN & HELLEN, PLC



Charles B. Welch, Jr.

CBWjr;kms

Cc: Carolyn Marek
Parties of Record

**Time Warner Telecom of the Mid-South, L.P.
Amended IntraLATA Toll Dialing Parity Plan**

June 15, 1999

I. Purpose

The intent of this plan is to provide information regarding information regarding Time Warner Telecom of the Mid-South, L.P.'s d/b/a Time Warner Telecom (TWTC), implementation of IntraLATA Toll Dialing Parity in the TWTC exchanges located in the state of Tennessee in accordance with the FCC's requirements.

II. Implementation

It is TWTC's policy to provide implementation of IntraLATA Toll Dialing Parity in all TWTC's switches concurrent with switch implementation. IntraLATA Toll Dialing Parity was implemented at the Memphis switch when the switch was launched.

III. Carrier Selection Procedures

TWTC has implemented full 2-PIC (Primary Interexchange Carrier) carrier selection methodology. TWTC customers are able to presubscribe to one telecommunications carrier for interLATA toll calls and are able to presubscribe to the same or a different telecommunication carrier for their intraLATA toll use.

TWTC Customer Care employees are trained to explain the process to customers in order to facilitate PIC selections on both new orders for service as well as making changes to existing PIC selections for both interLATA as well as intraLATA toll calls.

Processes are in place to provide all customers with an opportunity to choose their intraLATA toll carrier from a list of available carriers for both interLATA as well as intraLATA toll calls in a competitively neutral manner. Currently this is a manual process but system enhancements will make presentation of this competitively neutral list mechanized in 1st Quarter, 2000. Customers who do not make a positive choice for an intraLATA toll carrier will have to dial around to reach an intraLATA toll carrier. At a customer's request TWTC will also assign a "no-PIC" to the customer's intraLATA toll calling. Customers assigned a "no-PIC" will be required to dial 10XXX to place intraLATA toll calls until such time as they make an affirmative choice for an intraLATA toll carrier.

Customers currently are not assessed a PIC change charge to change either their interLATA PIC or their intraLATA PIC carrier. Carriers are currently assessed a \$5.00 PIC change charge on inter and intraLATA carrier change requests when such changes are requested by the Carrier.

IV. Customer Education/Notification

Customers are educated at the time of placing an order with TWTC for new service or for service changes dealing with intraLATA toll carrier, regarding their intraLATA PIC choices.

As noted previously, all TWTC switches are implemented with intraLATA Toll Dialing Parity. Therefore, no customer notification outside of customer education at the point of order is provided.

V. Carrier Notification

Current interexchange carriers are notified of TWTC switch implementations prior to switch turn up. Carriers are requested to notify TWTC and send an ASR in order to be included on TWTC's list of currently available carriers. Certified carriers who enter the market after implantation of a TWTC switch will be added to the list of participating carriers within 30 days of sending notification and receipt of an ASR by TWTC.

When a TWTC customer selects an intraLATA toll carrier as their PIC, TWTC sends a CARE record to the carrier notifying them that the customer has chosen to subscribe to that particular carrier's service.